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Report to Parliament on the Design of a Collaborative Process on Indian Registration, Band Membership and First Nation Citizenship

May 10, 2018

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Abstract

In August 2015, a decision was rendered in the *Descheneaux* case by the Superior Court of Quebec which declared key provisions of the *Indian Act* inoperative but suspended the implementation of its decision for a period of 18 months, until February 3, 2017, to allow Parliament time to make the necessary changes to the Act. This period was subsequently extended to December 22, 2017. In July 2016, the Government launched a two-stage approach to respond to the *Descheneaux* decision. The first stage involved legislation to directly deal with the court decision and other known residual sex-based inequities in the *Indian Act* registration provisions. In October 2017, the Government began the second stage which involves consultation with Indigenous partners on other alleged discrimination in Indian registration as well as broader *Indian Act* reform related to Indian registration, band membership and First Nation citizenship.

Legislative changes were introduced in October 2016 under Bill S-3, An Act to amend the *Indian Act* in response to the Superior Court of Quebec decision in *Descheneaux c. Canada (Procureur général)*. The Act received Royal Assent on December 12, 2017. The Act includes provisions to remove what is commonly known as the 1951 cut-off, (which is the practice of linking registration reform to the date of the creation of the modern Indian registry in 1951), but with a delayed coming into force to allow for consultation on an appropriate implementation plan. The Act also requires that Canada consult broadly on issues around registration, membership and First Nation citizenship.

From October 31, 2017 to March 31, 2018, the Government sought input from First Nations and Indigenous groups in order to co-design the consultation process. This report provides a summary of the input that was received during the design phase.

Input from First Nations and Indigenous organizations clearly demonstrates the need for the dissemination of further information by the Government to First Nations and impacted individuals to support meaningful consultations. The input on design also made it clear that for consultations to be successful the process must be as inclusive and flexible as possible. It would require the accommodation of different types of activities, including:

- Government-led / Indigenous-led activities;
- face-to-face sessions;
- the use of technology, including:
  - online options; and
  - teleconference/videoconference.

In addition to working collaboratively and in partnership with national Indigenous representative organizations, the co-design process clearly illustrated the need to develop a consultation process that incorporates the direct participation of First Nations, impacted individuals, regional organizations, communities, and experts.

Message from the Honourable Carolyn Bennett, M.D., P.C., M.P., Minister of Crown-Indigenous Relations and Northern Affairs

The Government is pleased that Bill S-3, which finally eliminates all sex-based discrimination from registration provisions in the *Indian Act* has now received Royal Assent. Provisions eliminating all residual sex-based discrimination in *Indian Act* registration since the creation of the modern registry in 1951 were brought into force immediately upon Royal Assent on December 12, 2017. Provisions removing what is commonly known as the 1951 cut-off will be brought into force after the completion of consultations on a comprehensive implementation plan that is co-developed with First Nations partners. These consultations will not be about whether to bring these provisions into force, they are about how best to co-develop measures that ensure adequate resources are provided and any unintended consequences are mitigated. This approach is consistent with the Government's commitment to renewing the relationship with Indigenous peoples based on the recognition of rights, respect, cooperation, and partnership. These consultations will also be a key part of wider consultations the Government committed to holding from the start regarding long overdue broader reform of *Indian Act* registration, band membership and citizenship. This is an opportunity to work together to enhance fairness and accelerate self-determination for First Nation registration, membership and citizenship.

I would like to take this opportunity to thank the many Parliamentarians who worked collaboratively with the Government and across Parliamentary affiliations throughout the legislative process to make significant improvements to Bill S-3. Members of Parliament and Senators also made it clear that Parliament wanted to remain informed of and engaged in the process after Royal Assent and this is the first of a number of reports to Parliament set out in Bill S-3.

I would also like to thank all of our partners who participated in the co-design process and those that will participate in the upcoming consultations. The Government will be guided by what we heard and welcomes further feedback from Parliamentarians about the consultations to be launched next month. The Government is committed to a meaningful and comprehensive consultation with First Nations, Indigenous groups and impacted individuals on the complex issues around registration, band membership and First Nation citizenship.

Key themes for a successful consultation we heard during the co-design process included the need for:

1) the Government to share comprehensive information with our partners in advance of consultation sessions;
2) the most inclusive and representative process possible;
3) flexibility in the process; and
4) adequate support to facilitate participation.

We also heard that in addition to working closely with national Indigenous representative organizations, the process must also engage directly with First Nations, regional organizations, communities and impacted individuals.

The report provides further information and support for each of the key themes outlined above.

Based on what we heard during the co-design phase, I am also confident that we can complete a comprehensive and meaningful consultation within a twelve month timeframe. I believe this time frame will align well with the next legislated report to Parliament by June of 2019.

The Government has begun work to establish an Indigenous Advisory Panel which will provide advice and guidance to the Government throughout the consultation process. A consultation plan is being prepared in line with what we heard during the co-design phase, with the benefit of feedback from Parliamentarians, and will be finalized in partnership with the Advisory Panel.

Information sessions and regional events are currently being developed. In addition, the Government will seek views and information from both Indigenous and non-Indigenous experts to provide guidance and advice to the Government throughout the consultation process. The Department's website will be updated as events and materials are finalized and dates are set, and to provide information to the public and ensure the consultation process remains inclusive.

This collaborative process is a first step toward ensuring First Nations have self-determination over how they define themselves and their communities. It is another positive step toward the important work of accelerating self-determination and nation rebuilding. I am looking forward to moving ahead in partnership to begin this long overdue transformation.

The Honourable Carolyn Bennett, M.D., P.C., M.P.,
Minister of Crown-Indigenous Relations and Northern Affairs

Report to Parliament on the Design of a Collaborative Process on Indian Registration, Band Membership and First Nation Citizenship

Background

In August 2015, a decision was rendered in the *Descheneaux c. Canada (Procureur général)*[1] case by the Superior Court of Quebec, which declared key provisions of the *Indian Act* inoperative as they unjustifiably violated equality rights under the *Canadian Charter of Rights and Freedoms*. The *Descheneaux* decision highlighted residual sex-based inequities in Indian registration affecting first cousins and siblings that were carried forward following the 1985 and 2010 amendments to the *Indian Act*. It also brought to light the long-standing and unaddressed broader issues relating to Indian registration, band membership and First Nation citizenship.

In July 2016, the Government announced its approach to respond to the *Descheneaux* decision. It included two parts:

1) Legislative changes to respond to the decision; and
2) A collaborative process on Indian registration, band membership and First Nation citizenship that would involve consultations with First Nations, Indigenous groups and impacted individuals on these broader and more complex issues, with a view to future legislative reform.

This approach is consistent with the Government of Canada's priority for reconciliation with Indigenous Peoples through a renewed relationship based on recognition of rights, respect, cooperation and partnership.

Legislative Changes

Bill S-3, An Act to amend the *Indian Act* in response to the Superior Court of Quebec decision in *Descheneaux c. Canada (Procureur général)* received Royal Assent on December 12, 2017, and the vast majority of it came into force on December 22, 2017. This includes immediately extending entitlement to Indian status to individuals impacted by inequities relating to the different treatment of cousins, siblings or minors who were omitted from historic lists.[2] Further amendments will come into force at a later date,

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[1] ***Descheneaux c. Canada (Procureur Général)*, 2015 QCCS 3555 - (CanLII) -** https://www.canlii.org/en/qc/qccs/doc/2015/2015qccs3555/2015qccs3555.html?resultIndex=9.

[2] **Full details on the number of people that may be newly entitled to registration under the *Indian Act* can be found in the Stewart Clatworthy reports on www.canada.ca/indian-status -** https://www.aadnc-aandc.gc.ca/eng/1510333667341/1510333753726.

once consultations on how best to implement these changes are completed. These further amendments will remove the 1951 cut-off and extend status under subsection 6(1) of the *Indian Act*, to descendants of women who were removed from band lists or not considered Indian due to marriage to a non-Indian man going back to 1869.

During the Parliamentary process, the commitment made in the July 2016 announcement[3] to consult with First Nations, Indigenous groups and impacted individuals was added to Bill S-3. Specifically, the legislation was amended to require the Government to launch consultations within six months of the Act receiving Royal Assent (by June 12, 2018). The consultations under the collaborative process will address the implementation of removing the 1951 cut-off as well as discussions on the broader issues of Indian registration, band membership and First Nation citizenship.

Bill S-3 also requires the Government to report back to each House of Parliament on three separate occasions: 1) on the design of the consultation process within 5 months of Royal Assent (by May 12, 2018); 2) on the results of the consultation one year after the consultations begin (by June 12, 2019); and 3) on the review of Bill S-3 amendments to determine whether all sex-based inequities have been eliminated with respect to those provisions and on the operation of those provisions within 3 years of Royal Assent (December 12, 2020). This report fulfills the first requirement for a report on the design on the consultation process.

Finally, the legislation mandates that the consultation process must be conducted through the lens of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), the *Canadian Charter of Rights and Freedoms* and, if applicable, the *Canadian Human Rights Act*.

Collaborative Process on Indian Registration, Band Membership and First Nation Citizenship

The Government of Canada is aware there are a number of issues relating to Indian registration and band membership under the *Indian Act* that are of concern to First Nations. As such, and in keeping with Canada's commitment to reconciliation and a renewed nation-to-nation relationship with Indigenous peoples, the Government committed to working collaboratively with First Nations, Indigenous groups, and impacted individuals on the broader and more complex issues related to Indian registration, band membership and First Nation citizenship, with a view to future reform.

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[3] https://www.canada.ca/en/indigenous-northern-affairs/news/2016/07/the-government-of-canada-takes-action-to-eliminate-known-sex-based-discrimination-in-the-indian-act.html

The collaborative process consists of two phases:

1) Co-design of the consultation process;
2) Consultation process.

The design of this consultation process began on October 31, 2017 and ended on March 31, 2018. The design phase provided First Nations and Indigenous organizations an opportunity to determine how the consultation process would take place, the issues that will be examined under this process and the types of activities that will be undertaken by participants. The input received during the design phase will inform the consultation plan for the consultation phase. It was recommended by some participants that there should be Indigenous involvement in consultation development; as a result, the Government has taken steps to create an Indigenous advisory panel to provide guidance and advice to the Government throughout the consultation process. The collaborative process on broader issues related to Indian registration, band membership and First Nation citizenship will be launched by June 12, 2018 and will last for approximately 12 months.

Design of the Collaborative Process

On October 31, 2017, the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations and Northern Affairs Canada sent a letter to all Chiefs and Council of recognized First Nations in Canada, various Indigenous organizations across the country, and the Plaintiffs in the *Descheneaux* case, launching the co-design phase of the collaborative process.[4]

The Department also reached out to letter recipients, as well as 28 additional regional organizations[5] throughout the country, to encourage participation in the co-design phase.

The Department responded to more than 148 queries and sent out 77 information packages to First Nations and Indigenous organizations on how to participate in the co-design phase.

In total, 20 formal submissions were received representing 182 communities.

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[4] See Annex A for a copy of the letter sent to Chiefs and Council, various national and regional organizations as well as the named Plaintiffs in the *Descheneaux* case.

[5] Regional Indigenous organizations were chosen based on the number of communities each organization represented with a goal to obtain information from as many communities, in as many provinces as possible across the country.

Proposal-Based Funding

Financial support for participation in the co-design phase was made available through a proposal-based process to First Nations and Indigenous organizations that already had established funding arrangements with the Department. Groups or individuals who sought to participate in the co-design phase, who did not have existing funding arrangements with the Department, were given the opportunity to provide written input.

For those groups with funding arrangements, participants were required to provide a summary report of their discussions and activities which would be used to inform the Government on the design of the collaborative process.

The Department initially received a total of 29 proposals for participation in the design phase. Discussions between interested groups and departmental representatives covered a broad range of administrative (e.g., deadlines, dollar values, types of activities being proposed) and substantive issues of the co-design phase. Through the course of these discussions, 10 groups did not finalize their proposals.

As a result, the Department funded 19 proposals at a total cost of $900,240. Unfortunately, two funded groups were unable to complete their activities and funding was returned to the Department. The Department received final reports from the remaining 17 groups.[6]

Non-funded Input

Three other groups including one First Nation, one Indigenous group, and one non-Indigenous organization also provided submissions. In addition, input was provided by e-mail and a phone conversation from two individuals. All input received on the design of the consultation process was retained for consideration and included in this report.

Design Activities

First Nations and Indigenous organizations that participated in the design phase collected information in a number of different ways to provide input to the Department including: surveys, meetings, facilitated discussions, and holding a mix of information and discussion sessions. Departmental representatives were invited to attend and present information at 13 events/sessions.[7]

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[6] **Permission was sought from all groups who participated in the design phase to list their name as a participant. At the time of writing this report only two groups expressly provided permission to use their names. This includes: 1) the Native Women's Association of Canada (NWAC) (funded) – their report can be found at** https://www.nwac.ca/nwac-report-eliminating-discrimination-registration-indian-act/; **and 2) the Canadian Feminist Alliance for International Action (FAFIA) (unfunded) – their report can be found** http://fafia-afai.org/wp-content/uploads/2018/03/BillS-3consultationprocessMarch2018.pdf.

[7] **Annex B provides a list of the events that departmental representatives attended to share information on the co-design phase.**

Summary of Input on Design

Input was sought for two general design questions.

a) What issues should be included in the collaborative process on Indian registration, band membership and First Nation citizenship?
b) What types of consultation activities should occur as part of the collaborative process?

The input received during the design phase reflects the diversity of the potentially impacted communities and individuals, as well as the diversity of viewpoints. A wide range of views will need to be considered and reflected in the final design of the collaborative process and the resulting consultation plan.

An analysis of the input saw the emergence of five key themes:

1) **Information Sharing** - The collaborative process needs to begin with an information sharing period in order to ensure informed discussions can take place during the consultation activities. This could be done through government led sessions in combination with funding First Nations and Indigenous groups to lead their own sessions. A range of media should be used for information sharing, including online, print, and non-print formats. Information sharing must also occur throughout the process.

2) **Inclusiveness** - The collaborative process needs to include a broad range of Indigenous people and groups at all levels from coast to coast to coast: individuals (on/off reserve, urban, rural, institutions, and women), elected leaders, band officers (membership administrators, managers, and directors), youth, elders, tribal councils, regional organizations, and national organizations. Consultation should include First Nations, non-status, Métis, Inuit, and non-recognized individuals who self-identify as Indigenous across the country. The Government and participants must be prepared to accept and accommodate a variety of views and perspectives. Consultation cannot be limited to Indigenous organizations or First Nation leadership.

3) **Flexibility** - The collaborative process needs to include a variety of different methods and activities to ensure success including: group / community meetings, town hall sessions, face-to-face discussions, question and answer periods, individual interviews, and surveys/questionnaires. Consultation must have options for confidentiality for individuals and will need to incorporate a mix of government led and Indigenous led activities. Materials should also be available in plain language as well as Indigenous languages.

4) **Timing and Duration** - A number of reports highlighted the need for sufficient time for the consultation activities, such as: information sharing, organization and preparation, consultation, and having follow-up / feedback sessions. It was suggested that the consultation period be a phased approach that allows the scheduling of community visits across the country while still meeting the obligations to report back on the consultation process by June 2019. Consideration will also need to be given to seasonal factors, linking sessions with existing events, and having weekend and evening sessions.

5) **Support** - Participants emphasized an expectation that financial support for First Nations and Indigenous groups be provided more broadly than during the design phase for participation in the consultation. The funding would be needed to cover a range of activities to consult with members and communities, including: hiring staff or coordinators to assist or lead consultations; genealogy research, legal analysis, and resource / information material development. Government representatives would need to be available to provide support and information as needed.

Themes and Issues

An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada (Procureur général) (Bill S-3) requires the Minister of Crown-Indigenous Relations and Northern Affairs Canada to consult on the following issues:

- issues relating to adoption;
- the 1951 cut-off date for entitlement to registration;
- the second generation cut-off-rule;
- unknown or unstated paternity;
- enfranchisement;
- the continued federal government role in determining Indian Status and band membership; and
- First Nations' authorities to determine band membership.

These themes and issues were identified as part of the *2011-2012 Exploratory Process on Indian Registration, Band Membership and Citizenship*[8] and remain as significant areas of concern to First Nations and Indigenous groups.

Participants in the co-design phase identified further issues in their reports for inclusion in the collaborative process.

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[8] http://www.aadnc-aandc.gc.ca/eng/1308584070908/1358275882324

Identified Issues for Inclusion in the Collaborative Process	
Themes	***Issues Raised***
The federal government's role in determining Indian registration and band membership	▪ This subject was the most common issue raised by participants as a topic for discussion. ▪ Government should not have a role in determining status and band membership. ▪ Processing times for registration are problematic and often too long. ▪ There is a lack of information provided to Indigenous Registration Administrators and band membership administrators. ▪ Obtaining Status cards takes too long and the process is not easy. ▪ The current rules have an impact on the demographics of the registered Indian population. ▪ There is a need to repeal the *Indian Act*, but with preservation of programs and services funding.
First Nations' authorities or band jurisdiction to determine band membership through citizenship and/or membership codes or band laws	▪ The focus should be on support for communities to develop their own membership or citizenship codes or laws based on traditional or custom methods. ▪ Treaty rights, Treaty jurisdiction and Treaty membership are what matters, not status or citizenship. ▪ The diversity of Indigenous cultures must be taken into account. ▪ Métis determine who their citizens are and have the right to self-identify; so should First Nations.
Funding	▪ Funding for programs and services needs to continue and should be increased, even if the *Indian Act* is repealed. ▪ Increased funding to accommodate additional registrants / members is needed. ▪ Increased funding is needed for First Nations employees, especially for the registration and/or membership administrators. ▪ Funding is needed for genealogy research by the Nations. Funding should be available for off-reserve members. ▪ Funding for the development of citizenship codes / laws should be made available.
Community Impacts and band issues	▪ Additional members will impact language and culture. ▪ With more members, children's programs could be negatively impacted. ▪ Additional population may negatively impact Treaty payments and Treaty membership. ▪ Trauma from being denied registration and membership needs to be considered as does trauma for people who were re-instated under the *Indian Act* and are unable to re-connect with their community.

Identified Issues for Inclusion in the Collaborative Process	
Themes	***Issues Raised***
	▪ After care may be needed. ▪ Settlements around land claims could be negatively impacted by new members. ▪ There is insufficient land and resources for additional people on reserves. ▪ More people may reduce available jobs and resources on reserves for existing members. ▪ Impacts on traditional hunting and access to Treaty areas. ▪ Community level participation in the consultation process is necessary.
Self-Government / Self-Determination and *Indian Act* divestment	▪ Discussions must go beyond registration / membership issues and focus on self-government and self-determination. ▪ Treaty and aboriginal rights should be the focus. ▪ Self-determination needs to be respected under s. 35 constitutional rights and UNDRIP. ▪ First Nations as a third branch of government should be developed including the incorporation of Indigenous legal traditions. ▪ Divestment of the *Indian Act* is needed. No clear answer on how to get out of the *Indian Act*.
Categories in Indian Registration and how they are applied	▪ There is a need to understand the current sections of the *Indian Act* and what they mean. ▪ Clarification of the differences between all the s. 6(1) categories and the 6(2) category is needed. ▪ Blood quantum rules should be considered in determining status or membership. ▪ One-parent rules should be used to determine status or membership. ▪ The use of DNA to determine status or membership was raised as something to be considered. ▪ Impact of common-law relationships on entitlement. ▪ Discrimination against women still exists. ▪ Youth and unmarried persons are most at risk of being "cut-off" after 1985. ▪ The use of the word *Indian* needs to change including the title of the Indian Registrar.
Border Crossing	▪ Families that reside in both Canada and the United States are treated differently and American family members are not recognized as Indians in Canada. ▪ Canada needs to recognize the Jay Treaty. ▪ Taxes and duties when crossing the border are problematic.

Consultation Methods or Activities

First Nations and Indigenous organizations also identified the consultation methods or activities that best suited their needs.

Recommended Consultation Methods or Activities	
Method / Activity	***Clarification / Context / Details***

Information/education phase	▪ One of the most common issues raised by participants was the need for an information or education period before consultations begin.
	▪ Information/education was requested for:
	  ▪ *Indian Act* registration provisions
	  ▪ sessions to explain s. 6(1) in plain language
	  ▪ Treaty education
	  ▪ s.35 constitutional rights
	  ▪ specific culture, heritage and customs
	  ▪ legal and legislative meanings
	  ▪ issues identified in Bill S-3 / Exploratory Process.
	▪ General information sessions with band members and individuals are needed.
	▪ Sessions need to be tailored for youth and students (including curriculum for schools).
	▪ Off-reserve sessions need to be available.
	▪ Information material needs to be made available to the public in plain language, in-person, online, through social media, local television, community websites, and in Indigenous languages. Clear and plain graphics depicting descent lines should be included.
	▪ There is a need for research studies, background papers, and research and discussion papers.

Funding / capacity building	▪ Funding must be provided to First Nations, communities and/or organizations to consult with their people, hire staff, engage experts, and develop toolkit/resources. ▪ Funding for genealogy research and legal analysis needs to be available. ▪ Further knowledge is needed on the role of the church in record keeping. ▪ The Government needs to prepare and provide materials (including protocols) for use in Indigenous-led consultation sessions. ▪ Core capacity funding should be provided for Indigenous organizations to lead consultation sessions. ▪ Government representatives should be available to answer questions and support Nation / organization-led consultation. ▪ Both government and non-government involvement is key, including support and advocacy from non-Indigenous organizations.

Recommended Consultation Methods or Activities	
Method / Activity	***Clarification / Context / Details***
	▪ First Nations and Indigenous organizations are underfunded and under resourced to take on another consultation that requires full attention.

Targeted participation through different consultation activities	▪ Consultation activities, including both public and closed sessions, should target specific groups including:
	  ▪ elected leaders
	  ▪ tribal council members
	  ▪ membership experts
	  ▪ band members
	  ▪ community directors
	  ▪ elders
	  ▪ band managers
	  ▪ off-reserve members (urban and rural)
	  ▪ youth
	  ▪ Indigenous women (including those located in / at institutions such as penitentiaries, schools, etc.)
	  ▪ non-status
	  ▪ Métis
	  ▪ Inuit
	  ▪ non-recognized individuals who self-identify
	  ▪ descendants of impacted individuals.
	▪ Confidential sessions should be available for people who require them.
	▪ Regional sessions are needed.
	▪ Options for written responses should be available for those interested.

Timing and scheduling	▪ Sufficient time should be given for adequate consultations - ranges of 6-18 months were identified, but many indicated that enough time should be allocated without defining a specific time frame.
	▪ The best timing for sessions includes:
	  ▪ spring
	  ▪ summer
	  ▪ fall
	  ▪ before school ends
	  ▪ after hunting season
	  ▪ sessions should be held at different times including weekends and evenings
	  ▪ sessions should be scheduled around existing events such as pow wows and Treaty payments
	▪ Phased approaches were generally recommended, including phases around information sharing / preparation, consultation, and follow-up / feedback.

Consultation Activities	▪ Community sessions for both on- and off-reserve members, and grass roots participation would be required.

Recommended Consultation Methods or Activities	
Method / Activity	***Clarification / Context / Details***

	▪ Event types identified:
	  ▪ community feasts
	  ▪ large scale sessions
	  ▪ regional meetings
	  ▪ face-to-face sessions with question and answer periods
	  ▪ roundtables
	  ▪ small group discussions / focus groups / break out groups with question and answer periods / "kitchen table" dialogue
	  ▪ talking circles
	  ▪ sessions directed and led by First Nations, communities or Indigenous organizations
	  ▪ interactive brain-storming sessions
	  ▪ lunch and learns
	  ▪ in-person working groups
	  ▪ discussion forums
	  ▪ open houses
	  ▪ referendums
	  ▪ urban sessions
	  ▪ closed sessions with leadership, membership experts, key knowledge experts, elders.
	▪ Consultation sessions must be interactive with question and answer periods.
	▪ Consultations should take place in the community so that "new" members can be known to band members.
	▪ Time and opportunity should be given for feedback during any session.
	▪ Multiple, dedicated meetings should occur for target groups and age levels (including youth, elders, membership clerks, leadership etc.).
	▪ Teleconference, live-streaming, video conferencing and social media options should be utilized.

Interviews	▪ There is clear indication that one-on-one interviews are needed, through face-to-face sessions and through remote means, such a telephone or video.
	▪ Issues of privacy and the need to avoid censorship were also raised.
	▪ Individual discussions and one-on-one interviews are needed with:
	  ▪ key stakeholders
	  ▪ elders.
	▪ Traditional languages should be used when needed.
	▪ Interviews could be conducted via:
	  ▪ telephone, especially for those in institutions
	  ▪ door to door visits

Recommended Consultation Methods or Activities	
Method / Activity	***Clarification / Context / Details***
	▪ home visits ▪ teleconference, live-streaming, video conferencing or through social media.
Surveys/Questionnaires	▪ The following types of surveys were suggested: ▪ Community surveys ▪ Online surveys ▪ Confidential surveys ▪ Printed surveys mailed out and returned by mail.

Other Considerations

Other considerations raised by First Nations and Indigenous groups include:

- The government must recognize that the *Indian Act* is a colonial document that continues to have the effects of assimilation and cultural genocide. The complexity of the Act is used to deny Indigenous peoples their rights. The *Indian Act* needs to be abolished to fully implement the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). Moving forward, the connection between membership / citizenship and a fiscal relationship with the Crown will need to be considered. Discussions will need to be based on trust, communication, collaboration, integrity and understanding.

- Some participants questioned why discussions on *Indian Act* reform are being held as part of a collaborative process rather than through discussions on self-governance / self-determination. It was noted that replacing the *Indian Act* through self-governance / self-determination is a longer-term process that will require further consultation.[9]

- The Government needs to ensure that trained Indigenous people deliver workshops and presentations in order to ensure fair and unbiased consultations and to prevent the sessions from being detrimental to Indigenous peoples.

- Concerns were raised around why there is a need to consult on the continued, ongoing sex-based discrimination, and that the consultation process is actually a tactic to delay the elimination of the sex-based discrimination through Bill S-3.

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[9] The collaborative process is being designed to deal with discrimination under the registration provisions of the *Indian Act*. This process does not preclude First Nations from continuing ongoing discussions of self-governance / self-determination regarding membership at the Rights and Recognition Tables.

- Concerns were also raised that consultation is too late and the legislative response has pre-determined the nature of the consultation process with regards to the implementation of the elimination of the 1951 cut-off. Communities indicated that consultation should have occurred before the amendments under Bill S-3 were introduced.

- A healing phase or opportunities for healing incorporated into the collaborative process would allow individuals impacted by inequities in Indian registration to share their stories safely and in a way to promote healing of individuals, families and communities.

Annexes

Annex A: Copy of October 31, 2017 Letter to Chiefs and Council
Annex B: List of the Events Departmental Representatives Attended to Share Information on the Co-design Phase

Annex A - Copy of October 31, 2017 letter sent to Chiefs and Council

Ministre des Relations Couronne-Autochtones et des Affaires du Nord

Minister of Crown-Indigenous Relations and Northern Affairs

Ottawa, Canada K1A 0H4

OCT 31 2017

Dear Chief and Council,

I am pleased to announce that Crown-Indigenous Relations and Northern Affairs Canada is moving forward with the launch of a collaborative process with First Nation and other Indigenous groups to consult on issues relating to Indian registration, band membership, and citizenship, with a view to much needed future reform.

The collaborative process will begin with the design phase, which will provide an opportunity to work in partnership with First Nation and other Indigenous groups and organizations to co-design the comprehensive consultations.

In order to begin comprehensive consultations on the broader-related issues in early 2018, we are moving forward with the co-design phase which will be focused on identifying what issues will be discussed and what activities will be undertaken by participants as part of these consultations.

If you would like more information, or are interested in sharing your views on the co-design of the collaborative process, please contact: FNcitizenship-citoyennetePN@aandc-aadnc.gc.ca.

Sincerely,

Hon. Carolyn Bennett, M.D., P.C., M.P.

Canada

Annex B - List of the events that departmental representatives attended to share information on the co-design phase

Event / Host Group	Location(s)	Date(s)
British Columbia Joint Gathering	Vancouver, BC	January 16, 2018
Anishinabek Nation- Union of Ontario Indians (UOI)	Vaughan, ON Thunder Bay, ON Sudbury, ON	January 30, 2018 February 20, 2018 February 28, 2018
Federation of Sovereign Indigenous Nations (FSIN)	Yorkton, SK North Battleford, SK Prince Albert, SK	February 14, 2018 February 21, 2018 February 22, 2018
Sagamok Anishnawbek	Sagamok, ON	February 23, 2018 March 2, 2018
Conseil de la Nation Atikamekw	La Tuque, QC	March 6, 2018
Assembly of First Nations Quebec and Labrador Elected Women	Gatineau, QC	February 27, 2018
Winnipeg Indigenous Executive Circle Community Forum	Winnipeg, MB	February 27, 2018
Meeting of the General Directors of the Band Councils, Tribal Councils and Regional Commissions and Organizations of the First Nations of Quebec	Quebec City, QC	March 13, 2018